

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP GALLARDO,

Defendant.

Case No. 3:17-cr-00018-HDM-CSD

ORDER

The defendant, Phillip Gallardo, submitted a letter to the court inquiring about his eligibility for a reduction of sentence under Amendment 821. (ECF No. 162). Pursuant to Second Amended General Order 2023-09, the Federal Public Defender has filed a "Notice of Non-Eligibility," which indicates that Gallardo does not qualify for relief under Amendment 821. (ECF No. 164). The court agrees.

Amendment 821 amended the sentencing guidelines in two ways that have been given retroactive effect. First, U.S.S.G. § 4A1.1 was amended to reduce or eliminate the number of criminal history points counted when an offender commits the instant offense while under a criminal justice sentence, otherwise referred to as "status points." Second, Amendment 821 created a new guideline provision - § 4C1.1 - which provides for a reduction in offense level for certain offenders with zero criminal history points. Gallardo neither received any "status points" nor was a zero-point offender.

1 Accordingly, he is not eligible for relief under Amendment 821. To  
2 the extent Gallardo's letter can be construed as a motion for  
3 reduction of sentence under Amendment 821 (ECF No. 162), the motion  
4 is denied.

5 IT IS SO ORDERED.

6 DATED: This 3rd day of February, 2025.

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9 UNITED STATES DISTRICT JUDGE